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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,528	01/17/2002	Joseph K. Ollis	13768.237	9287

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EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,528

Applicant(s)

OLLIS ET AL.

Examiner

Yuwen Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/18/05 has been entered.
2. The examiner acknowledged that claims 9 and 10 have been canceled without prejudices.

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 9-11, 17-19, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Phillips (US006748195B1).

Per claims 1, 17, 19, 24, Phillips In a wireless network that includes a number of wireless devices including a source wireless device capable of transferring items over the wireless network using a plurality of different wireless transfer technologies (see figure 1), and including a plurality of destination wireless devices capable of receiving items over the wireless network using at least one of the different wireless transfer technologies (see column 3 and lines 27-32), a method for facilitating user selection of one or more destination wireless devices from the

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plurality of destination wireless devices without requiring that the user of the source wireless device identify a wireless transfer technology (column 4 and lines 45-65), the method comprising the following: an act of detecting a plurality of destination wireless devices that are available to receive one or more items using at least one of a plurality of wireless transfer technologies, each of the plurality of available destination wireless devices using at least one distinct wireless transfer technology (column 4 and lines 60-65); an act of the source wireless device presenting the plurality of available destination wireless devices to the user in a unified user interface that is independent of any particular wireless transfer technologies (column 4 and lines 50-55); an act of receiving a user selection of one or more destination wireless devices presented in the unified user interface without requiring separate user selection of a specific wireless transfer technology for each of the one or more selected destination wireless devices (column 4 and lines 60-65), and an act of automatically, and without user intervention, identifying one or more wireless transfer technologies for the one or more destination wireless devices selected from the unified user interface to use when transferring the one or more items to each of the one or more selected destination wireless devices (figure 2 and column 4 line 66-column 5 line 34).

Per claims 2, 4, Phillips further teaches that an act of sending the one or more items to the selected one or more destination wireless devices using the identified wireless transfer technologies (see figure 3, column 35-48).

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Per claim 3, 5, 6 and 22, 23, Phillips further teaches an act of determining that it is appropriate to send the one or more items to the selected one or more destination wireless devices (see column 5 and lines 10-24).

Per claim 11, Phillips further teaches that the wireless transfer mechanism available to each of the presented one or more potential destination wireless device is obscured from user view (see column 4 and lines 46-65).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 7, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US006748195B1 in view of Gorday et al (US006665521B1).

Per claims 7 and 21, Phillips doesn't teach that the user identifies the group consisting of partner availability to receive one or more data by using diversity gain. Gorday further teaches that the user identifies the group consisting of partner availability to receive one or more data by using diversity gain (see column 1 and lines 25-32). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Gorday with Phillips such that reduce the ratio of packet retransmission in coverage holes area.

Per claims 16 and 20, Gorday further teaches that the wireless transfer mechanism available to each of the one or more potential destination wireless devices is identified in the unified user interface by using an audibly distinguishable features of each of the plurality wireless transfer mechanisms and comprise memories (see column 3 and lines 9-15).

7. Claims 8, 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorday (US006665521B1) and Phillips (US006748195B1) in further view of Beamish et al (US006694143B1).

Per claim 8, Gorday doesn't teach that the plurality of wireless transfer mechanisms includes one or more infrared wireless transfer mechanisms. Beamish teaches that the plurality of wireless transfer mechanisms includes one or more infrared wireless transfer mechanisms (see column 2 and lines 1-9). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Beamish with Gorday such that the wireless device would be able to interact other wireless device via infrared wireless transfer mechanism in which is well known in the art that provide short range wireless communication beside Bluetooth.

Per claims 12-15, Beamish further teaches an act of sending all of the one or more items except for the at least some of the one or more items to the selected one or more destination wireless device using the identified wireless transfer mechanisms (see column 30-49).


Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
April 19, 2005


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600